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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,053	01/14/2004	Steven J. Dimig	087801-9061-02	4853

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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT PAPER NUMBER

3676

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/757,053	<b>Applicant(s)</b> DIMIG ET AL.	
	<b>Examiner</b> Suzanne Dino Barrett	<b>Art Unit</b> 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 17-25, 35-46, 57-75 and 84-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 17-25 is/are allowed.
- 6) ☒ Claim(s) 35-40, 42-46, 57-65, 68-75 and 84-99 is/are rejected.
- 7) ☒ Claim(s) 41, 66, 67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

Initially, it is noted that no amendment appears to have been made to claim 1, contrary to Applicant's discussion and the labeling of claim 1 as (currently amended).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 35,43-46,57,61-65 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 508,580. EP '580 teaches a module assembly for a vehicle door lock mechanism comprising an outer door handle assembly 10, an outer door lock 12, an inside door handle, latch 20 and linkage members, cables and cable actuators (15,24,26,35) to interface the modules within the door panel aperture. With respect to claims 43,44, EP further provides a flexible plastic support bracket/plate 15 between the linkage members and latch member.

3. Claims 35-40,42,46,57-60,84-99 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukumoto et al 6,393,767. Fukumoto teaches a vehicle door latch and lock arrangement comprising an inner and outer door panels 2,3 with an aperture therebetween, a base plate bracket 111 within the aperture and a linkage between the

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outer door lock 20 having a central axis shaft 20d and a pin 18 extended therefrom to couple to the linkage 114 with the bracket 111 coupled thereto. Fukumoto also includes an inside door handle 17 coupled to a linkage 15/120 which is coupled to another portion of the bracket/base plate 111, wherein the base plate/bracket 111 positions the elements within the door panel aperture. Fukumoto further provides a housing bracket 20b having a cylindrical opening, attached to the outer door panel within the aperture, and receiving the outer door lock 20 therein. With respect to claims 84-99, the carrier panel 5,6 provides a slot for receiving a fastening projection 115,116 of the latch 11, with the fasteners movable in the slot until seated in place and with the carrier plate slot surrounding portion itself providing a stop means for the fasteners when seated in place.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 43,44,63,64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumoto et al '767. The use of a rubber or deformable plastic material for the lightweight reinforcement and waterproof plate 22 of Fukumoto et al would have been obvious to one of ordinary skill in the art as an obvious matter of design choice in

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providing a material suitable to the intended use and purpose of the device. Note the flexible plastic support plate 15 of EP 508,580 discussed above.

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 68-75 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 35-44 of copending Application No. 10/980,474. Although the conflicting claims are not identical, they are not patentably distinct from each other because they merely recite like elements using different terminology and/or phraseology.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Allowable Subject Matter***

8. Claims 1-8,17-25 are allowed.

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9. Claims 41,66,67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

10. Applicant's arguments filed 1/19/06 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1-8, 17-25 and 68-75 are persuasive. These claims define over the prior art of record. However, since a terminal disclaimer has not yet been filed, claims 68-75 necessarily stand provisionally rejected under double patenting and are not indicated as being allowable.

With respect to Applicant's argument pertaining to claim 35 and its dependent claims, Applicant's arguments are not persuasive. It is maintained that EP '580 teaches a latch 20 securable to the door, a linkage 22/24/10 coupled to the latch and a resilient (col. 3, line 47-flexible) bracket 15 coupled between the latch and linkage. Since the handle assembly 10 is coupled to the bracket 15 and linkages 22,24 are fixed to the handle assembly 10, therefore the linkages are necessarily construed as being coupled to the bracket. Further, it is maintained that Fukumoto teaches a latch 112 securable to the door, a linkage 14/113 coupled to the latch and a resilient (col. 5, line 25, light-weight plate-like structure) bracket 22 between the latch and linkage.

With respect to Applicant's arguments pertaining to claim 57 and its dependent claims, Applicant's arguments are not persuasive. It is maintained that EP '580 teaches a latch 20, a user manipulatable control (the inside handle), a linkage 26 coupled

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between the latch 20 and user control, and a shield 15 partially covering the linkage 26 to restrict access from the exterior. Clearly the shield 15 covers a portion of the linkage 26 as shown in Figure 1, contrary to Applicant's arguments. It is further maintained that Fukumoto teaches the shield as shown in Figure 8 wherein portion 111c clearly shields part of the linkage 113b between the handle 16 and latch 112.

With respect to Applicant's arguments pertaining to claims 84-99, Applicant's arguments are not persuasive. It is maintained that Fukumoto teaches bolt slots for the fasteners 115,116 which would necessarily be slightly larger than the bolt shafts, therefore, there would be some play, allowing movement of the bolts within the slots until completely seated and fastened into final position by the nuts.

In response to Applicant's arguments on page 27, line 6-7 of the remarks, that "neither EP '580 nor Fukumoto discloses a flexible bracket", it is submitted that the EP disclosure on page 3, lines 45-49 and line 47 especially, teaches a "flexibility of support plate 15". Accordingly, Applicant's arguments in this regard are not persuasive.

Accordingly, the aforementioned claims stand rejected.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

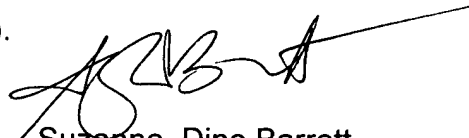
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett  
Primary Examiner  
Art Unit 3676

sdb